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Examiner Huyen D. Le USPTO - Group 2643	703-305-4844	703-872-9306

From : Alan I. Cantor

Date : December 2, 2004

Attorney Docket No : 085874-0290

MESSAGE:

Re: U.S. Serial No. 09/752,830 – Henry AZIMA et al.
Filed: January 3, 2001
For: RESONANT PANEL-FORM LOUDSPEAKER

I hereby certify that the following is being transmitted to the U.S. Patent and Trademark Office by facsimile:

1. Petition for Extension of Time (Three-Months) (1 pg.);
2. Request for Reconsideration Under 37 C.F.R. §1.116 (3 pgs.); and
3. Declaration of Martin Colloms (10 pgs.)

Date: December 2, 2004

By: Tanja Majca

Tanja Majca

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**REPLY UNDER 37 CFR §1.116
EXPEDITED PROCEDURE**

Atty. Dkt. No. 085874-0290

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
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Applicant: Henry AZIMA et al.
Title: RESONANT PANEL-FORM
LOUDSPEAKER
Appl. No.: 09/752,830
Filing Date: 01/03/2001
Examiner: Huyen D. Le
Art Unit: 2643

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**REQUEST FOR RECONSIDERATION
UNDER 37 C.F.R. § 1.116**

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

This communication is responsive to the Final Office Action dated June 30, 2004, concerning the above-referenced patent application. Transmitted herewith for filing is a Declaration of Martin Colloms.

Applicant wishes to thank Examiner Le for the courtesy extended to the undersigned attorney during the personal interview held on September 14, 2004. The substance of the interview is substantially set forth below.

Applicant respectfully requests reconsideration of the application in view of the discussion at the interview, the Colloms declaration, and the reasons that follow.

Claims 1-17, 19-24, 26-30 and 36-46 are pending. Claims 1, 40, 42 and 44 are independent. Spitz (FR 2 649 575) is the only reference applied against the claims. Claims 1-3, 6-16, 19-24 and 36-41 are said to be anticipated by Spitz under 35 U.S.C. § 102(b). Claims 4, 5, 17, 26-30 and 42-46 are said to be unpatentable over Spitz under 35 U.S.C. § 103(a). These rejections are respectfully traversed for at least the following reasons.

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The invention claimed here involves a panel-form loudspeaker assembly wherein the panel-form member is *resonant* when excited at audio frequencies, and wherein at least a portion of the member is transparent. The vibration exciting transducer – which applies bending wave energy to the panel-form member to cause it to resonate and act as an acoustic radiator – is mounted to an edge or marginal portion of the member. Further, one or more marginal portions of the radiator are clamped or restrained.

The previous Amendment (filed April 5, 2004) explained that Spitz does not disclose a loudspeaker of this nature. Rather, the transparent panel at the front of Spitz's TV screen is used only as a *low* frequency speaker driver, which one of ordinary skill in the art would understand to operate following conventional *whole body or piston* motion driver principles; the transducers that drive the panel do not impart bending wave energy to the panel; and no portion of the panel is clamped or restrained (the roll or embossed flexible membrane surround cannot do so). The Final Office Action persists in characterizing the Spitz panel as resonant and subject to bending wave excitation (even though the cited passages do not support this), and challenges Applicant's characterization of the Spitz panel speaker as pistonic in nature.

At the personal interview the Examiner offered to reconsider the rejections if Applicant were to submit a more detailed explanation of the nature of the Spitz panel loudspeaker as compared to that of the claimed invention. The accompanying declaration of loudspeaker expert Martin Colloms contains such a detailed explanation, and is incorporated herein by reference. It fully supports Applicant's characterization of the Spitz transparent panel as operating pistonically (and without resonance) in the audio frequency range in which it is designed to produce sound, and as neither clamped nor restrained.

Spitz does not mention the word "pistonic," but Mr. Colloms explains that it is clear to one of ordinary skill in the art that the teaching in Spitz is of a conventional pistonic speaker and not of a resonant panel radiator as claimed in the present application. See, e.g., ¶19 of the Colloms declaration, which points out (a) the piston type suspension for the panel; (b) the combined rigidity and damping characteristics of the panel; (c) the symmetrically arranged transducers for more even drive; and (d), (e) the low frequency operating range of

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the panel. For the reasons stated in the declaration, as well as those above and those already of record, it is respectfully submitted that the claims are patentable over Spitz.

It is respectfully submitted that the application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date DEC 02 2004

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By 

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